

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

FUSION ELITE ALL STARS, et al., Plaintiffs, v. VARSITY BRANDS, LLC, et al., Defendants.	Case No. 2:20-cv-02600-SHL-tmp JURY TRIAL DEMANDED
JONES, et al., Plaintiffs, v. BAIN CAPITAL PRIVATE EQUITY, et al., Defendants.	Case No. 2:20-cv-02892-SHL-tmp JURY TRIAL DEMANDED

**PLAINTIFFS' JOINT MOTION REQUESTING HEARING ON
MOTION TO QUASH OR MODIFY SUBPOENA DIRECTED TO MARLENE
COTA AND FOR PROTECTIVE ORDER**

Pursuant to Tennessee Western District L.R. 7.2(d), Plaintiffs in the above-captioned matters respectfully request an oral hearing regarding Defendants' Motion To Quash Or Modify Subpoena Directed To Marlene Cota And For Protective Order, (Dkt. 178). Plaintiffs assert that an oral hearing would be helpful to the Court to answer any questions the Court may have regarding issues that remain in dispute. Defendants have filed a Reply to which Plaintiffs have not had an opportunity to respond. The parties have also filed affidavits regarding the circumstances of how Ms. Cota came into possession of the documents at issue, with Defendants

discussing their affidavits in their Reply. Plaintiffs believe that it would be helpful for the Court to hear from Plaintiffs on the affidavits as well.

Dated: January 24, 2022

Respectfully submitted,

By: /s/ Katherine Van Dyck

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CERTIFICATE OF GOOD FAITH

Consistent with Local Rule 7.2(a)(1)(B), counsel for Plaintiffs have attempted to resolve the issues raised in this Motion in good faith with Defendants. On January 24, 2022 at 10:20 am PST, Katharine L. Malone, counsel for plaintiffs in the *Jones* matter contacted Steven Kaiser, Nicole Berkowitz, and Brendan Gaffney and informed them of Plaintiffs intent to file the above-captioned motion. On the same day, Defendants informed Ms. Malone that they oppose the relief sought therein.

/s/ Katherine Van Dyck

Katherine Van Dyck

CERTIFICATE OF SERVICE

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ECF processing upon the following:

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